

# HOUSE . . . . . No. 3217

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By Mr. Kulik of Worthington, petition of Stephen Kulik and others for legislation to further regulating enforcement of the open meeting law. State Administration and Regulatory Oversight.

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## The Commonwealth of Massachusetts

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### PETITION OF:

Stephen Kulik	F. Jay Barrows
Peter V. Kocot	Christopher J. Donelan
John W. Scibak	David Paul Linsky
William M. Straus	James B. Eldridge
Stephen M. Brewer	Jennifer M. Callahan

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In the Year Two Thousand and Seven.

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### AN ACT TO FURTHER ENFORCE THE OPEN MEETING LAW.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 23B of Chapter 39 of the General Laws, as  
2 appearing in the 2002 Official Edition, is hereby amended by  
3 striking the 14th paragraph and inserting in its place the following  
4 paragraph:—

5       The court may impose a civil fine against the governmental body  
6 of up to one thousand dollars and a civil fine of up to five hundred  
7 dollars against each attending member of the governmental body for  
8 each meeting held in violation of this section. The fine shall not be  
9 imposed against any member of the governmental body who is  
10 recorded in opposition to the government act that is found in viola-  
11 tion of the open meeting law. When a court finds that a meeting was  
12 held in violation of this section, it shall award reasonable attorney's  
13 fees and costs against such governmental body. In addition, the court  
14 may assess reasonable attorney's fees and costs against such govern-  
15 mental body where the court finds that:—

16       1.) after receiving notice of the filing of a complaint authorized by  
17 this section, the governmental body opens to the public any meeting  
18 or opens to the public the records of any such meeting, and

19     2.) the requested meeting or public record are described in the  
20 complaint, and

21     3.) the requested meeting or public record had been requested in  
22 writing by the complainant before filing the complaint, and

23     4.) before the complaint was filed, the governmental body or cus-  
24 todian of the record had refused to open to the public the requested  
25 meeting or to make the requested public record available to the com-  
26 plainant.

1     SECTION 2. Section 11A½ of Chapter 30A, of the General Laws,  
2 as appearing in the 2002 Official Edition, is hereby amended by  
3 adding thereto as the last paragraph reading as follows:—

4     The court may impose a civil fine against the governmental body  
5 of up to one thousand dollars and a civil fine of up to five hundred  
6 dollars against each attending member of the governmental body for  
7 each meeting held in violation of this section. The fine shall not be  
8 imposed against any member of the governmental body who is  
9 recorded in opposition to the government act that is found in viola-  
10 tion of the open meeting law. When a court holds that a meeting was  
11 held in violation of this section, it shall award reasonable attorney's  
12 fees and costs against such governmental body. In addition, the court  
13 may assess reasonable attorney's fees and costs against such govern-  
14 mental body where the court finds that:

15     1.) after receiving notice of the filing of a complaint authorized by  
16 this section, the governmental body opens to the public any meeting  
17 or opens to the public the records of any such meeting, and

18     2.) the requested meeting or public record are described in the  
19 complaint, and

20     3.) the requested meeting or public record had been requested in  
21 writing by the complainant before filing the complaint, and

22     4.) before the complaint was filed, the governmental body or cus-  
23 todian of the record had refused to open to the public the requested  
24 meeting or to make the requested public record available to the com-  
25 plainant.